## AFFIDAVIT IN SUPPORT OF ARREST WARRANT

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STATE OF NEVADA )

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COUNTY OF CLARK

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I, SHELLEY NEIMAN, being first duly sworn, deposes and states, under penalty of perjury, that I am the Affiant herein and I am a Criminal Investigator III with the State of Nevada, Office of Secretary of State ("SOS"). I have been assigned to the SOS for four (4) months. I am a graduate of the Southern Desert Regional Police Academy Class 07-02. I successfully completed 773 hours of instruction in a course entitled Nevada Post Category I Basic Course of Training. I have completed 40 hours of a course entitled Foundations of Intelligence Analyst Training by the National White Collar Crime Center and Research Institute where I learned investigative skills pertaining to crime patterns, communication, and financial crime analysis. I hold a Bachelor of Science Degree in Human Services Management and I am a Certified Public Manager through the State of Nevada. Prior to working for the SOS, I was employed by the State of Nevada, Attorney General's Office, Bureau of Consumer Protection, for over five (5) years. My positions held were Criminal Investigator and Senior Criminal Investigator. My previous employment history was with the State of Nevada Employment Security Division ("ESD") for fifteen (15) years and five (5) months, where my most recent position held was a Fraud Investigator Supervisor. In my positions I have investigated various criminal offenses including deceptive trade practices, theft, unemployment insurance fraud, mortgage fraud, forgery, identity theft, and securities fraud. I have prepared and executed numerous arrest warrants and search warrants. These assertions are true and accurate to the best of my knowledge.

The Office of Secretary of State ("SOS") has jurisdiction over Election Law Violations contained in NRS 293.

Your Affiant learned the following facts, which lead the Affiant to believe ROXANNE RUBIN ("RUBIN"), committed the offenses of VOTING MORE THAN ONCE AT SAME **ELECTION** (1 count), a category D felony in violation of NRS 293.780. The above offense committed by RUBIN occurred in the County of Clark, State of Nevada

Your Affiant began her investigation when the SOS received a referral from Donna Cardinelli ("Cardinelli"), Clark County Election Department, Assistant Registrar of Voters. Cardinelli reported that on Monday, October 29, 2012, while checking in with her early voting team leaders, she was informed that a voter had made concerning comments upon leaving the polling area and that same individual had attempted to vote a second time at a different voting location.

Cardinelli advised the SOS that on October 29, 2012, Mobile Team #4 Leader, Michele Hulsizer ("Hulsizer"), was stationed at the Anthem Community Center at 2450 Hampton Road Henderson, Nevada 89052. Hulsizer reported that at approximately 11:31 a.m. a female who had just successfully voted was exiting the polling area, and commented to the man she was with, "I signed my name differently and they did not ask for ID". Hulsizer provided the voter's name as ROXANNE RUBIN ("RUBIN") and described her as a tall, thin, redhead in her 50's or early 60's.

Cardinelli was also informed by team leader Kathleen Finucane ("Finucane"), who was stationed at the Silverado Ranch location at 9725 S. Eastern Avenue Las Vegas, NV 89183 that an individual with the same name and description appeared at her voting site at approximately 12:00 p.m. and attempted to vote, but was unable to because she already voted.

Cardinelli conducted a database check for RUBIN'S voter registration number and found it to be 835652. Cardinelli provided this information to your Affiant along with copies of her notes and notes written by Finucane about the incident.

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On or about October 30, 2012 Harvard L. Lomax ("Lomax"), Clark County Registrar of Voters provided your Affiant with a copy of the Clark County General Election Voter Roster signature page, containing on line #1, the name of ROXANNE RUBIN, below that was the address of 2143 GUNNISON PL HEN, ID: 835652 P: 1718 MBT094 11:31AM. Your Affiant observed that below this printed information was a signature line containing a signature of ROXANNE RUBIN. Lomax also provided a copy of a computer printout which contained the original signature signed by RUBIN when she registered to vote on January 16, 2000. Your Affiant compared the signatures and noticed only subtle differences in the handwriting; specifically in the R's.

On November 1, 2012 your Affiant telephonically contacted Lomax and questioned him about the information provided. Lomax provided definitions for the information listed on the voter roster, which included: ID: represents the voter's registration number, P: represents the voter's precinct, MBT: is the Mobile Team number, and the time the voter is starting the process. Lomax described his responsibilities involved with conducting elections in Clark County, Nevada and provided your Affiant with a notarized Declaration regarding his general the authenticity of the voter roster page he provided.

Your Affiant obtained State of Nevada Department of Motor Vehicles ("DMV") driver's license information and photograph of **RUBIN**. Your Affiant noted the descriptors of **RUBIN** as 5'03" in height and 130 pounds in weight, with red hair, brown eyes, and a date of birth as 4/8/1956. Your Affiant observed the signature on **RUBIN'S** driver's license and noted that it was very similar to the signatures on the voter registration application and roster. Your Affiant noted that the address on the driver's license was 2143 Gunnison Place Henderson, NV 89044, which matched the address listed on the voter registration roster.

On November 1, 2012 your Affiant telephonically contacted Cardinelli regarding the voter registration process and Cardinelli provided the following details. Cardinelli stated that when a voter arrives at a polling location, they first go through intake with the operator clerk. The operator clerk will either take the voter's sample ballot and scan the bar code into the computer, or they will manually enter the voter's name into the computer; either way will bring

up the voter's information. The voter's information includes first and last name, address, voter registration number, precinct number, mobile team and operator number, and the time of intake; as well as the voter's signature on the last voter registration completed. The operator clerk will then ask the voter their name, birth day and birth month and verify that the information matches. If the information matches, the operator clerk will hand the voter a blank signature line form and ask them to sign. The operator clerk will then view the signature and compare it to the signature of record. If the clerk determines the signature as a match, they will show the voter the information and ask them if everything is correct. At this time, the voter sees their name, address, ID, Precinct, MBT, and the time. If the voter agrees that the information is correct, the operator will hit the "OK Vote" button that generates a voter card and sticker. The sticker is placed above the signature line and the voter is given the card to use for voting. This is the same card the voter turns in at the end of the voting process.

Cardinelli stated that placards with each NRS pertaining to elections and voting are hung at each polling location in plain sight. The signs are written in large, bold, and colored type and are in both English and Spanish. Cardinelli stated there is a placard specifically stating, "VOTING MORE THAN ONCE PROHIBITED No person who is entitled to vote shall vote or attempt to vote more than once at the same election. Any person who votes or attempts to vote twice at the same election is guilty of a felony. NRS 293.780". Cardinelli stated this NRS Warning is also on page four (4) of the Official Sample Ballot for Clark County, Nevada and it is also posted at the Clark County Election Department.

On October 31, 2012 your Affiant met with Colleen Courtney ("Courtney") at the Desert Willow Community Center at 2020 West Horizon Ridge Parkway Henderson, NV 89012. Your Affiant noted that numerous placards were posted at the voting area, including NRS 293.780. Your Affiant identified herself and the nature of the interview and Courtney provided the following voluntary information. Courtney stated that on October 29, 2012 she was stationed at the Anthem Community Center at 2450 Hampton Road Henderson, Nevada 89052.

Courtney stated that she was an operator clerk and responsible for checking voters in at the beginning of the process to verify their identity and signature. Courtney stated that she is extremely busy and occupied with her work and that she has processed hundreds of voters. Your Affiant questioned Courtney about the voters she processed on October 29, 2012 and whether or not she noticed any discrepancies in voter signatures. Courtney stated that she was aware of the incident that had taken place with a voter named **ROXANNE RUBIN** and she remembered her vaguely because of her red hair, however she did not stand out otherwise.

Courtney stated that she reviewed **RUBIN'S** signature and information in the same manner that she does in every instance and compared it to the signature on file and found no discrepancies that would cause her to ask any additional questions. Courtney could not recall whether **RUBIN** provided her sample ballot or not. Your Affiant showed Courtney a DMV photo of **RUBIN** and Courtney positively stated that she was the female she assisted on October 29, 2012.

On October 31, 2012 your Affiant met with Hulsizer, at the Desert Willow Community Center at 2020 West Horizon Ridge Parkway Henderson, NV 89012. Your Affiant identified herself and the nature of the interview and Hulsizer provided the following voluntary information. Hulsizer stated that on October 29, 2012 she was working at the Anthem Community Center at 2450 Hampton Road Henderson, Nevada 89052. Hulsizer stated that she and her granddaughter, Brittaney Peters were working there together. Hulsizer stated that her granddaughter, Brittaney overheard a female voter who had just voted say that she signed her name different and they didn't check her ID. Hulsizer stated that Brittaney was the one collecting the voting cards upon exit and that I should speak with her.

On October 31, 2012 your Affiant met with Brittaney Peters ("Peters") at the Desert Willow Community Center at 2020 West Horizon Ridge Parkway Henderson, NV 89012. Your Affiant identified herself and the nature of the interview and Peters provided the following voluntary information. Peters stated that on October 29, 2012 she was working at the Anthem Community Center at 2450 Hampton Road Henderson, Nevada 89052. Peters was collecting

voter cards from individuals after they were done voting and leaving the polling area. Peters stated that at approximately 11:30 a.m. as she was taking the voting card from a red haired female in her 50's, she overheard her say to the man that she was with, "I signed differently and they did not ask for ID". Peters stated that she was instantly alerted by the comments and looked over at the Team Leader, Kay Kreier, who was also standing close by and observing the polling.

Peters stated that she had the female's voting card in her hand and walked over to Kreier to discuss what she had just heard and observed; as the female left the area. Peters stated that she and Kreier discussed what they had both heard and Kreier was going to report the information to the main office. Your Affiant asked Peters to describe the female. Peters stated that she was thin, medium height, with bright red hair and that she was wearing a black and white striped shirt. Your Affiant showed Peters a DMV photo of RUBIN and Peters positively identified her as the female she observed and heard that day. Peters could not describe the unidentified male she was with.

On October 31, 2012 your Affiant met with Kay Kreier ("Kreier") at the Desert Willow Community Center at 2020 West Horizon Ridge Parkway Henderson, NV 89012. Your Affiant identified herself and the nature of the interview and Kreier provided the following voluntary information. Kreier stated that on October 29, 2012 she was working at the Anthem Community Center at 2450 Hampton Road Henderson, Nevada 89052. Kreier stated that she has been employed in the voter registration field for approximately 10 ½ years and she was assigned as the Team Leader for their Mobile Team #9. Kreier stated that she was tasked with overseeing the polling for the designated location. Kreier stated that at approximately 11:30 a.m. she was standing near Peters, when she observed a red headed female turn in her voter card and comment to the man she was with that she had signed her name differently and they did not ask her for ID.

Kreier stated that after the female left the area, she met with Peters and Hulsizer to identify the female based on her voter card and the information they had on file. Kreier determined that the female's name was **ROXANNE RUBIN** and her voter registration number

was 835652. Kreier wrote down **RUBIN'S** name and registration number so that she could report it to Cardinelli. Your Affiant showed Kreier a DMV photo of **RUBIN** and Kreier positively identified her as the female she observed and heard that day. Kreier could not describe the male she was with.

On October 31, 2012 your Affiant met with Finucane at Silverado Ranch Plaza, 9725 South Eastern Avenue Las Vegas, NV 89183. Your Affiant identified herself and the nature of the interview and Finucane provided the following voluntary information.

Finucane stated that on October 29, 2012 she was stationed at the Silverado Ranch location. Finucane stated that at approximately 12:00 p.m. a thin, redheaded female in her 50's approached the intake area and stated that she wanted to vote. The female provided her name as ROXANNE RUBIN and Finucane entered it into the computer. Finucane stated that the voter's information came up as ROXANNE RUBIN, DOB: 4/8/56, voter registration number 835652, with a message of "ALREADY EARLY VOTED". Finucane stated that she advised RUBIN of the message and RUBIN responded that she did not previously vote.

Finucane advised RUBIN that she would have to call the main office and RUBIN stood by.

Finucane called Kelly Fisher ("Fisher") at the Elections Department at (702) 455-4086 at 12:06 p.m. and advised her of the message on the screen. Finucane stated that Fisher looked the information up on her computer and confirmed that **RUBIN** had already voted on October 29, 2012 at 11:31 a.m. at the Sun City Anthem location, Mobile Team #4, Precint 1718.

Finucane stated that she advised **RUBIN** of the information and **RUBIN** said the people up at Anthem are always screwing up. **RUBIN** again advised Finucane that she did not vote yet and she wanted to. **RUBIN** then gave Finucane her cellular telephone number of (702) 370-3215 and advised her that she works at the Riviera. **RUBIN** asked Finucane to call her and let her know when she can vote. Finucane stated that **RUBIN** then left.

While at the Silverado Ranch polling location, your Affiant observed numerous placards posted in the voting area, specifically one in large, black letters stating, ""VOTING MORE THAN ONCE PROHIBITED No person who is entitled to vote shall vote or attempt to

vote more than once at the same election. Any person who votes or attempts to vote twice at the same election is guilty of a felony. NRS 293.780". The message was written in both English and Spanish. Your Affiant photographed said placard.

On November 1, 2012 your Affiant telephonically contacted Kelly Fisher ("Fisher"),
Administrative Specialist and Registration Supervisor with the Clark County elections
Department at (702) 455-4086. Your Affiant identified herself and the nature of the phone call and Fisher provided the following voluntary information.

Fisher stated that on October 29, 2012 at approximately 12:06 p.m. she received a phone call from an election worker, Finucane, regarding an individual identified as **RUBIN** who was trying to vote a second time in the same election. Fisher stated that she brought up **RUBIN'S** information and confirmed that she had already voted on October 29, 2012 at 11:31:40 a.m. at Mobile Team #4, Precinct 1718, Sun City Anthem Community Center. Fisher advised Finucane that she would double-check the information.

Fisher stated that she called over to the Sun City Anthem Community Center and requested that employees take a photo of **RUBIN'S** signature on the voter roster and text it to her. Fisher stated that she received the text photo and compared the signature to that on the computer file. Fisher stated that the signatures appeared to be similar. Fisher also asked for the description of the woman who voted and the description given was that of a thin, redheaded female in her 50's.

Fisher advised her supervisor of the incident and confirmed that **RUBIN** would not be allowed to vote a second time, as it was violation of NRS 293.780. Fisher advised the team at the Silverado Ranch location of her findings.

## **CONCLUSION:**

Based on your Affiant's investigation, your Affiant believes that **RUBIN** voted at the Sun City Anthem Community Center on October 29, 2012 and was unhappy with the process; specifically in that her identification was not checked. Based on your Affiant's investigation.

your Affiant believes that because **RUBIN** was dissatisfied with the process, she wanted to make a point by testing it and casting a subsequent vote.

Your Affiant further believes that based on statements of Peters and Kreier and documents relating to **RUBIN**, that she knowingly left the first polling place, after having successfully voted in the election, and immediately went to a different, nearby polling location, with the intent of voting a second time. Your Affiant believes that **RUBIN** was fully aware of the law and that voting a second time or attempting to vote a second time in the same election is a violation of the law. Your Affiant believes that **RUBIN** was willing to risk the penalty in order to expose what she perceived as a weakness in the voting process.

Based on your Affiant's investigation, it is respectfully submitted that the foregoing establishes probable cause to believe that **ROXANNE RUBIN**, d/o/b 04/08/1956 has committed the crime of **VOTING MORE THAN ONCE AT SAME ELECTION** (1 count), a category D felony in violation of NRS 293.780.

Wherefore, your Affiant requests that a warrant for the arrest of **ROXANNE RUBIN** be issued.

Shelley Neiman, Comminal Investigator III
Office of the Secretary of State

SUBSCRIBED and SWORN to before me this \_

day of November 2012.

JUDGE